



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: DIESTERBECK=3

In re Application of:

Frank DIESTERBECK

Appln. No.: 09/822,850

Date Filed: April 2, 2001

For: PLASTIC CONTAINER WITH  
SNAP LID AND A SEALING  
WEB LOCATED ON THE...

) Art Unit: 3727  
)  
) Examiner: R.A. Hylton  
)  
) Washington, D.C.  
)  
) Confirmation No.: 7482  
)  
) January 22, 2004  
)

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

**RECEIVED**

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop AF  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

JAN 27 2004

TECHNOLOGY CENTER R3700

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated July 22, 2003, of the Primary Examiner. The claims appealed are claims 2-13 and 17-26.

The item(s) checked below are appropriate:

       Small Entity Status: Applicant(s) claim small entity status. See 37 CFR 1.27.

XX The fee has been calculated as shown below:

XXX \$330.00  
       \$165.00 (small entity)  
       Not required (fee paid in prior appeal)

XX Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity  
Response Filed Within  
[ ] First - \$ 55.00  
[ ] Second - \$210.00  
[ ] Third - \$475.00  
[ ] Fourth - \$740.00  
month after time period set

Other Than Small Entity  
Response Filed Within  
[ ] First - \$ 110.00  
[ ] Second - \$ 420.00  
[X] Third - \$ 950.00  
[ ] Fourth - \$1480.00  
month after time period set

[X] Less fees (\$420.00) already paid for 2-months extension of time on December 19, 2003.

       A check in the amount of \$                      is attached. (Check No.                     )

XXX Credit Card Payment Form, PTO-2038, is attached, authorizing the amount of \$ 860.00.

XXX Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

01/23/2004 HDEHES1 00000055 09822850

01 FC:1401 330.00 OP  
02 FC:1253 530.00 OP

Respectfully submitted,  
BROWDY AND NEIMARK, P.L.L.C.  
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